



DEPARTMENT OF THE NAVY  
OFFICE OF THE GENERAL COUNSEL  
NAVY LITIGATION OFFICE  
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ORIGINAL  
Date:

21 June 2002



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2052149

Ms. Kristine Matzko (3HS21)  
Remedial Project Manager  
U.S. EPA – Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Re: Lower Darby Creek Area Superfund Site – Clearview Landfill  
Delaware County, Pennsylvania

Dear Ms Matzko:

This letter is in response to Mr. Abraham Ferdas' letter of 11 June 2002 notifying the Navy that it may incur, or may have incurred, CERCLA liability with respect to the Lower Darby Area Superfund Site and inviting the Navy to perform or to finance response activities that EPA determines to be necessary at the Site.

As you may be aware, when it is alleged that past Navy activities may have contributed to contamination at a CERCLA site not currently or formerly owned by the Navy, the Navy does not become actively involved in remedial efforts at those sites. Instead, the Navy, represented by the Environmental Defense Section of the Department of Justice, Environment and Natural Resources Division, would resolve CERCLA liability that it may have at the site by settling potential CERCLA contribution claims with other responsible parties.

In regard to payment of EPA response costs incurred at the Site, generally, the Navy does not have appropriated funds legally available to reimburse EPA for such costs. Again, the Navy's fair share of such costs is paid to other responsible parties to settle potential CERCLA contribution claims, with the Environmental Defense Section representing the Navy and payment of the settlement coming from the Judgment Fund, a permanent appropriation established to pay claims against instrumentalities of the United States.

Accordingly, the Navy is willing to work actively with the other PRPs and thus with EPA to resolve its potential liability at this site, if any, and pay for its fair share of site costs. However, it must also be understood that any settlement in this matter is subject to approval by the appropriate government decision makers, including the Department of Justice.

Again, the Navy, represented by the Department of Justice, looks forward to resolving any potential CERCLA liability stemming from past Navy involvement, if any, at the Site. Until I assign one of my trial attorneys to this matter, I request that I receive all EPA correspondence sent to PRPs relevant to any actions to be taken with regard to this site. Thank you.

Sincerely,

A handwritten signature in black ink, reading "Stephen A. Banks". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen A. Banks  
Assistant Director  
(Environmental Litigation)  
202-685-6973  
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Copy to:  
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